

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

PROXENSE, LLC

Plaintiff,

v.

TARGET CORPORATION

Defendant

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Civil Action No.: 6:20-cv-879 (ADA)

JURY TRIAL DEMANDED

NOTICE OF MOOTNESS IN RESPONSE TO MOTION TO DISMISS

Plaintiff Proxense, LLC files this Notice in response to Defendant Target Corporation's Motion to Dismiss the Complaint filed on November 30, 2020 (Dkt. 12). Plaintiff has filed concurrently with this Notice a First Amended Complaint (Dkt. 15). Since less than 21 days has elapsed since Defendant filed its Motion to Dismiss, Plaintiff has a right to file its First Amended Complaint pursuant to Fed. R. Civ. P. 15 (a)(1)(B).

Plaintiff's First Amended Complaint addresses the alleged deficiencies identified in Defendant's Motion to Dismiss. As the initial Complaint in this matter is no longer the operative pleading, Plaintiff requests that the Court dismiss Defendant's pending motion as moot.

Dated: December 14, 2020

Respectfully Submitted,

/s/ Robert Christopher Bunt

Robert Christopher Bunt

State Bar No. 00787165

Charles Ainsworth

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COUNSEL for PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record, who are deemed to have consented to electronic service are being served this 14th day of December, 2020, with a copy of this document via the Court's CM/ECF system.

/s/ Robert Christopher Bunt
ROBERT CHRISTOPHER BUNT